

EXAMINER'S AMENDMENT

1. This communication is responsive to Board of Patent Appeals and Interferences decision rendered on Oct. 30, 2009.

An examiner Amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicant, an amendment may be filed as provided by 37 C.F.R 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

2. Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Jack McKinney (Registration No.45685) on March 26, 2010.

3. Please amend the claims as follows:

7. (Currently Amended) One or more **non – transitory** computer readable media having stored thereon a plurality of instructions that, when executed by one or more processors, causes the one or more processors to perform acts comprising:

identifying one or more devices in a network;

obtaining, for at least one of one or more network switches in the network, an indication of which port of the network switch a computing device is coupled to;

obtaining, for each of the one or more identified devices and for the at least one network switch, an indication of which port of the network switch the identified device is coupled to; and

determining, for at least one of the one or more identified devices, how physically distant the identified device is to the computing device, wherein the determining is based at least in part on the indication of which port of the network switch the computing device is coupled to and the indication of which ports of the network switch the one or more identified devices are coupled to.

29. (Currently Amended). A method, implemented in a computing device

that is a part of a network comprising:

discovering network switches in a network;

identifying devices connected to the network;

determining each switch and each port to which the devices

are coupled;

determining each switch and each port to which a user computer is coupled; and

ranking the devices based upon their inferred physical proximity to the user computer.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art, taken singly or in combination, does not teach or disclose "*determining, for at least one of the*

one or more identified devices, how physically distant the identified device is to the computing device, wherein the determining is based at least in part on the indication of which port of the network switch the computing device is coupled to and the indication of which ports of the network switch the one or more identified devices are coupled to".
as claimed (see also board decision 10/30/2009).

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled " Comments on Statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached Monday - Friday 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571- 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sargon N Nano/
Examiner, Art Unit 2457

/Ramy M Osman/
Primary Examiner, Art Unit 2457